

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Revision of the Commission's Rules)
To Ensure Compatibility with) CC Docket No. 94-102
Enhanced 911 Emergency) DA 98-2323
Calling Systems)

**Request of Cellular XL Associates, L.P. ,
for a Temporary Waiver of
Section 20.18(c) of the Commission's Rules**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Cellular XL Associates, L.P., ("Cellular XL"), pursuant to the Commission's
Order, DA 98-2323, released November 13, 1998¹, hereby petitions the Commission for
a temporary waiver of Section 20.18(c)² of the rules. In support of this request, the
following is respectfully shown:

Background

On November 13, 1998, the Wireless Telecommunications Bureau released its
Order extending through December 31, 1998, the suspension of enforcement of Section
20.18(c) of the Commission's Rules, as that section relates to the transmission of 911
calls made from TTY devices using digital wireless systems.³ In the same *Order*, the
Commission also established procedures under which wireless carriers subject to the
requirements of Section 20.18(c) may petition the Commission, not later than December

¹ *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order, RM-8143 (rel. Nov. 13, 1998) ("*Order*").

² 47 C.F.R. Section 20.18 (c). This rule section, as amended by the Commission, requires Commercial Mobile Radio Service ("CMRS") licensees to be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than the mobile handset (e.g. through the use of Telephone Text Devices).

³ See *Order* at 4.

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4, 1998, for waiver of the above requirement.⁴ This request by Cellular XL is timely filed within the period specified for waiver requests of this nature.

Cellular XL is a small business. Contact information on the company is:

Cellular XL Associates, L.P.
184 US Highway 98 W
Hattiesburg, Mississippi 39402
(601) 550-9550

The company owns and operates cellular stations in two relatively small rural service areas (RSAs): Mississippi-10 and Mississippi-11. Cellular XL offers both analog and digital service in both markets. The cellular infrastructure equipment is supplied by Nortel Networks ("Nortel") and uses the IS-136 TDMA air interface.

Good Cause is Shown for a Waiver

The Commission mandated that carriers requesting a waiver specify with particularity the grounds for the waiver, and provide answers to several questions.⁵ The basic justification for the waiver in the case of Cellular XL is that the company is technically unable to comply with the requirement of Section 20.18(c) at this time, specifically the requirement that TTY users be able to access 911 over digital wireless phones. Attachment 1 hereto is a letter Cellular XL has received from Nortel. The letter indicates that the Cellular XL system is not technically able to support TTY operation in the digital mode at the present time.

In further support of this waiver request, Cellular XL answers the questions posed by the Commission as follows:

⁴ *Id.* at 3-4.

⁵ *Id.* at 3-4.

(1) What steps is Cellular XL taking or does it intend to take to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless phones?

Cellular XL is in touch with and working with the supplier of its equipment in an effort to provide users of TTY devices with the capability to operate such devices in conjunction with digital wireless phones as soon as practicable. Cellular XL also is an active member of the Cellular Telecommunications Industry Association ("CTIA"), and through that membership is monitoring and contributing to the efforts of the Wireless TTY Forum. As additional information becomes available concerning proposed solutions, either by virtue of the consultations with Nortel or the Workplan and Test Procedures of the Wireless TTY Forum, Cellular XL will take steps to establish TTY capability consistent with industry standards.

Pending compliance with the rules with respect to the Company's digital wireless offerings, Cellular XL is exploring various analog alternatives so that persons with speech or hearing disabilities will have the ability to benefit from the wireless services offered by Cellular XL.

(2) When does Cellular XL intend to make this capability available to TTY users?

Nortel has advised Cellular XL that it will likely take from 12 to 18 months *after* the adoption of industry design standards to develop commercially available products to support TTY operation in the digital mode. Industry design standards have not yet been adopted, and the adoption process is wholly beyond the control of Cellular XL. All Cellular XL can offer is a good faith estimate that the capability will be available no earlier than 24 months from now. In the meantime, Cellular XL will continue to monitor developments and will offer to test alternative solutions that appear promising.

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(3) What steps has Cellular XL taken to address consumer concerns?

Cellular XL's service manager reports that there have been no requests by consumers for TTY-compatible digital wireless phones and no complaints from any hearing or speech impaired customers concerning the Cellular XL system. Nonetheless, Cellular XL has undertaken a technology review to identify and test TTY devices capable of interfacing with one or more models of the analog wireless handsets offered to end users by Cellular XL. The results of the technology review will be reported in the first quarterly report filed after the requested waiver is granted.

Conclusion

Cellular XL understands that any waiver granted will take effect on January 1, 1999, after the suspension of enforcement expires.⁶ Cellular XL also is aware of and will comply with the obligation to make submissions every three months in order to maintain the waiver that is being requested.

The foregoing premises having been duly considered, Cellular XL respectfully requests a waiver, subject to the aforementioned conditions, of Section 20.18 (c) of the Commission's rules, through January 1, 2001.

Respectfully submitted,

Cellular XL Associates, L.P.

By: St. G. Guin

Title: Assistant to the President

Date: December 4, 1998

⁶ Id. at 2.

ATTACHMENT 1

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TO 616012619306

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NORTEL NETWORKS

December 3, 1998

Cellular One
Cellular XL Assoc., LP
6184 US Hwy 98 W
Hattiesburg, MS 39402
Phone # 601/550-9550

Dear Stan Gwin,

This letter is in response to your request for Nortel Networks to provide support information for Cellular One to file a waiver request with the FCC regarding the E911/TTY rules. This response is intended to give you insight into our direction on this issue. It is based on the best technical information we have available and upon what may be required by the FCC rule.

With regard to analogue calls through the Nortel Networks equipment supplied to Cellular One, to the best of our knowledge, our equipment is capable of transmitting 911 calls from people with speech or hearing disabilities through means other than the mobile handset, as an example through use of Text Telephone Devices (TTY). However, as noted below, most TTYs (a/k/a TTDs) in use today have not been designed to connect with wireless handsets, and the 911 text message may be corrupted by the consumers' equipment. Further, Nortel Networks believes that without extensive testing of text messages over analogue systems, it is premature to assume all 911 calls will be received by the 911 call center essentially error free.

With regard to digital calls through Nortel Networks equipment using the IS-95 CDMA air interface, the equipment, in the short term, is likely to not be capable of transmitting the 911 call with sufficient error free text to elicit proper 911 response.

With regard to digital calls through Nortel Networks equipment using the IS-136 TDMA air interface, the equipment, in the short term, may be capable of transmitting the 911 calls with sufficient error free text to elicit proper 911 response, depending upon the type of vocoder used in the system, the type of text message equipment used, and the type of handset used.

Industry standards to support TTY operation in digital mode are not currently defined. Nortel Networks is working with other equipment manufacturers and carriers to define the required design standards needed to develop this service. History tells us that it typically takes twelve to eighteen months from the adoption of standards to the commercial availability of product. However, in this instance, if the TTY is to be a part of the phone path to send text messages

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for people with hearing or speech disabilities, then TTY manufacturers must work sincerely and cooperatively with wireless manufacturers to develop a workable standard. As technical TTY considerations must be considered for a good standard, the wireless industry cannot develop a good standard without technical assistance from TTY manufacturers. Nortel Networks consequently cannot project when a design standard will be in place. In the interim, consumers may wish to test placing text calls over the digital path, or set their handsets to transmit only in analogue mode for text message calls.

If the 911 call content is corrupted by the TTY consumer devices used by speech or hearing disabled users, Nortel Networks system equipment will not be able to correct the errors. Nortel Networks is aware that the vast majority of TTYs are not designed to connect to wireless handsets, and such lack of good connection frequently corrupts messages before they reach the system networks. There are some TTY equipment models that have connections that facilitate properly connecting handsets and the TTY, but we believe few are in use. As you are aware, Nortel Networks does not currently manufacture wireless handsets, and is unable to resolve this connectivity problem. In addition, Nortel Networks is not aware of any TTY that has been designed for its tones to be carried error free over digital vocoders designed for human speech. Therefore, the digital audio path is more prone to create text errors more frequently than text messages over analogue audio paths.

Complicating the task of providing text-messaging capability for those with hearing and speech disabilities, is the lack of standards in the TTY industry. The TTY has been the most used text message system for the hearing and speech disabled users covered by the FCC's 911 rule, but there does not appear to be a single solution that would work for all TTY devices in use. In addition to the TTY, consumers are using the Internet for sending and receiving text messages. Nortel Networks is aware that people with hearing and speech disabilities, increasingly use the Internet for communication, and the Internet may become a method for placing 911 calls into the future.

The wireless industry has been working with consumer representatives and TTY manufacturers in the TTY Forum for almost two years. Nortel Networks is hopeful that information sharing from this group and comprehensive testing will identify practical solutions that manufacturers can incorporate into system solutions. However at this time Nortel Networks believes that a person with hearing or speech disabilities may find it difficult to place a wireless 911 call with the TTY equipment that they use for wireline calls, and a solution for all TTY users is not achievable by 12-31-98.

Please contact Paul Owen at 972/684-4003 to further discuss this issue with you at your convenience.

Sincerely,



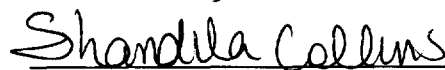
Alan Pritchard
VP Marketing

CERTIFICATE OF SERVICE

I, Shandila Collins, a secretary in the law firm of Paul, Hastings, Janofsky & Walker LLP, hereby certify that on this 4th day of December, 1998, copies of the foregoing "Request of Cellular XL Associates, L.P., for a Temporary Waiver of Section 20.18(c) of the Commission's Rules" were sent via hand delivery to the following:

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Shandila Collins
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